IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 1767 of 2005

Between:

1 Jellala Mallesh, S/o.Komaraiah,
R/o.Maddupalli Village,
2 Jellala Komaraiah, S/o.Veera Mallu,
R/o.Maddupalli Village.
3 Barla Narsaiah, S/o.Posam,
R/o.Maddupalli Village.
4 Ch.Raja Gopal Rao, S/o.Venkata Rao,
R/o.Maddupalli Village.
5 Budhidhe pocham, S/o.Ramaiah,
R/o.Maddupalli Village.
6 Chintha Pula Pocham, S/o.Venkaiah,
R/o.Maddupalli Village.
7 Konda Laxmaiah, S/o.Venkati,
R/o.Maddupalli Village.
8 Aula Mallesh, S/o.Rajaiah,
R/o.Maddupalli Village.
9 Arketi Rajaiah, S/o.Ballaiah,
R/o.Bejjala Village,
10 Meriyala Kishan Rao, S/o.Rama Rao,
R/o.Narsingapur village,
11 Boini Rajaiah, S/o.Pochaiah,
R/o.Narsingapur village,
12 Panduga Rajam, S/o.Ramulu,
R/o.Narsingapur village,
13 Tani Rayam, S/o.Erraiah,
R/o.Kundharam. Adilabad District.
14 Santho Sam Posani, W/o.Late Mallaiah,
R/o.Kundharam. Adilabad District.
15 Santho Sam Saroja, W/o.Late Sataiah,
R/o.Kundharam. Adilabad District.
16 R.Narsimha Swamy, S/o.Simhaiah,
R/o.Kundharam. Adilabad District.

17 Barla Sammaiah, S/o.Venkaiah,
R/o.Kundharam. Adilabad District.
18 Katherla Lingaiah, S/o.Mallaiah,
R/o.Kundharam. Adilabad District.

..... PETITIONER(S)

AND

1 The Revenue Divisional officer, Mancherial, Adilabad District.
2 The District Collector, Adilabad, Adilabad District.
3 The Executive Engineer, Roads & Buildings Dept., Mancherial,

Adilabad District.

4 The Government of A.P., rep.by its Principal Secretary, Roads &

Buildings, Department, Secretariat, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Mandamus directing the Respondents to pay interest of 9% from May 1987 to April 1988, and 15% from June 1988 and also further pay 12% additional market value from issuance of 4(1) Notification in Rc.No.B6/3179/99 dt.21-06-1999 till actual payment of compensation as per L.A.Act for the lands acquired by the Respondents for purpose of formation of road from Settepelly village to Kundaram village, Jaipur Mandal, Adilabad District and also declare the inaction of the Respondents in not paying compensation to the petitioners herein as they have not approached the Hon'ble High court and paying compensation to those who have approached the Hon'ble High Court by filing W.P.No.25596 of 2003 dt.15-12-2003 as violative of provisions of Land Acquisition Act and also declare the inaction of the Respondents in not properly measuring the lands of the petitioners which were acquired by the Respondents as bad in law and violative of provisions of L.A.Act.

Counsel for the Petitioner:MR.B.SUDHAKAR REDDY & ASSOCIATES

Counsel for the Respondent Nos.1 and 2: GP FOR LAND ACQUISITION

Counsel for the Respondent Nos.3 and 4: GP FOR ROADS AND BUILDINGS

The Court made the following O R D E R:

This writ petition has been filed by the petitioners, who are 18 in number, and their grievance is that the third respondent has taken possession of their land in the year 1987 and no award has been passed so far.

Counter affidavit has been filed by respondents 1 and 2. It is stated in the counter affidavit that the draft award has been submitted to the Collector, Adilabad for its approval. I deem it appropriate to refer para 5 of the counter-affidavit, which reads as follows:

> "In reply to paras 4 to 7 of the petitioner's affidavit, it is submitted that after filing of requisition, the area requisitioned was got sub-divided through the Mandal Surveyor, Jaipur and the same after conducing Phodi Inspection by the Dy. Inspector of Surveys, sent to Asst. Director (S&LRs) Adilabad for its scrutiny and its attestation. The SDR duly attested has been furnished by the Assistant Directors (S&LRS) Adilabad vide reference No.A4/12/98, dated 31.07.1998. According to the SDR, the area covered this road is 38.12 acres. Out of which, 1.01 acres is Govt. land, 2.29 acres is Govt. assigned land, 7.18 acres is Ceiling assigned land and 27.04 acres is patta land and the patta land was taken into consideration for acquisition as per Land Acquisition Act, 1894. Though the requisitioning department has not deposited the funds, the proposals submitted to the Collector, Adilabad for approval of Notification and Declaration. Inspite of several repeated reminders, the requisitioning department has not deposited the funds, the award could not be passed. It is also submitted that there is no difference in measurements as stated by the petitioners as the area under acquisition was notified after approval of the Sub-Division Record by the Asst. Director (S&LRs) Adilabad which was prepared by the Mandal Surveyor Jaipur by demarcating the lands under acquisition. The land holders who ever approached to this respondent, they have been promised that payment of the compensation will be made within a short period as the draft award is to be submitted to the Collector, Adilablad. It is submitted that the petitioners have not filed any representations requesting to measure the land under acquisition

either at the publication of Gazette or at the time of award enquiry. As such, the allegations made by the petitioners are not correct and far from truth. It is submitted that the draft award has been submitted to the Collector, Adilabad for its approval. As soon as the award is approved, the award will be passed and amount of compensation will be paid to the petitioners. There is no violation of the provisions of the L.A. Act, 1894 by this respondent."

Heard the learned counsel for the petitioners and the learned Government Pleader for land Acquisition.

Learned counsel for respondents 1 and 2 stated that the draft award has been sent for approval. Hence, I deem it appropriate to dispose of the writ petition directing the respondents to complete the process of passing the award within a period of one month from the date of receipt of a copy of this order.

Accordingly, the writ petition is disposed of. No order as to costs.

_____

18.07.2005

usd

To

1 The Revenue Divisional officer, Mancherial, Adilabad District.
2 The District Collector, Adilabad, Adilabad District.
3 The Executive Engineer, Roads & Buildings Dept., Mancherial,

Adilabad District.

4 The Principal Secretary, Government of A.P., Roads &

Buildings, Department, Secretariat, Hyderabad.

5 Two CCs to G.P. for Land Acquisition, High court of A.P.,

Hyderabad (OUT).

6 Two CCs to G.P. for Roads and Buildings, High court of A.P.,

Hyderabad (OUT).

7 2 CD copies

*Form-NIC-OGS/WP{**JA**}*